

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Marine Polymer
Technologies, Inc.

v.

Civil No. 06-cv-100-JD

HemCon, Inc.

O R D E R

The parties jointly move for a briefing schedule and for clarification of the procedural order issued on July 26, 2007. In that order, the parties were directed to file briefs on claim construction and to file motions for summary judgment, if appropriate, after claim construction issues were resolved. Marine Polymer interprets the order to limit the subject of the summary judgment motions to the issue of infringement, while HemCon interprets the order to allow motions on all issues that would be dispositive of the infringement claim.

The court acknowledges that the July 26 order is open to both meanings. The motions for summary judgment that were pending prior to claim construction were not limited to the issue of infringement, and the court did not intend to limit the scope of the motions that will be filed under the July 26 order. Therefore, the motions for summary judgment may address any claim, defense, or counterclaim that is pending in this case.

Conclusion

For the foregoing reasons, the parties' joint motion for a briefing schedule and for clarification (document no. 79) is granted. The parties' motions for summary judgment may address any claim, defense, or counterclaim that is pending in this case. The motions shall be filed on or before **September 5, 2008**. Responses to the motions shall be filed on or before **October 6, 2008**. Replies to responses shall be filed on or before **October 27, 2008**.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

August 6, 2008

cc: Julie M. Baher, Esquire
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